

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Plaintiff,

v.

WILL BAILEY,

Defendant.

Case No. C06-5173RBL

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff has failed to properly amend his complaint despite being given over 90 days from the time of the Report and Recommendation to amend (Dkt # 39), and nearly 90 days from the Order adopting that Report and Recommendation (Dkt. # 44). This action is **DISMISSED WITH PREJUDICE** for failure to prosecute and failure to comply with court orders. Any pending motion is **DENIED**.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendant, and to the Hon. J. Kelley Arnold.

DATED this 22nd day of February, 2007.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE